

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

VIRNETX INC., LEIDOS, INC.,

Plaintiffs,

v.

APPLE INC.,

Defendant.

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CIVIL ACTION NO. 6:12-CV-00855-RWS

ORDER

The Court previously entered judgment in this case. Docket No. 1035. That judgment was appealed. *See* Docket No. 1046. Since then, in appeals of separate actions before the Patent Trial and Appeal Board (the “Board”), the Court of Appeals for the Federal Circuit (the “Federal Circuit”) affirmed the Board’s finding that the patents-in-suit are unpatentable. *VirnetX Inc. v. Mangrove Partners Master Fund*, Nos. 20-2271, 20-2272 (Fed. Cir. Mar. 30, 2023). In the appeal of the instant case, the Federal Circuit then explained that, given its affirmance of “the Board’s finding of unpatentability, VirnetX has lost its cause of action, and its dispute with Apple is moot.” Docket No. 1054 at 3. Consequently, the Federal Circuit vacated the Court’s previously entered judgment and remanded with instructions to dismiss this case as moot. *Id.* at 3–4. A formal mandate has since issued. Accordingly, pursuant to the Federal Circuit’s instructions, it is

ORDERED that the previously entered judgment (Docket No. 1035) is **VACATED**. It is further

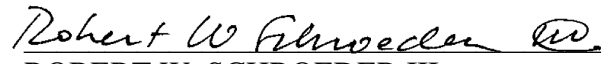
ORDERED that the above-captioned case is **DISMISSED-AS-MOOT**. It is further

ORDERED that any pending motions are **DENIED-AS-MOOT**.

The Court hereby enters **FINAL JUDGMENT** on remand.

The Clerk of the Court is directed to close this case.

So ORDERED and SIGNED this 14th day of July, 2023.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE